

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TODD ARCOLEO,  
Plaintiff,

v.

WELLS FARGO BANK, N.A., et al.,  
Defendants.

Case No. [13-cv-04506-BLF](#)

**ORDER TO SHOW CAUSE**

Re: Dkt. Nos. 15, 16

TO PLAINTIFF TODD ARCOLEO AND HIS ATTORNEY OF RECORD:

YOU ARE HEREBY ORDERED TO SHOW CAUSE WHY PLAINTIFF'S CLAIMS SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE THE ACTION AND VIOLATION OF THIS COURT'S ORDERS ON THE GROUNDS SET FORTH BELOW.

On April 17, 2014, this Court served on all parties a Reassignment Order requiring the filing of a Case Management Statement no later than May 1, 2014. On April 21, 2014, this Court ordered the parties to appear for a Case Management Conference to be held on May 7, 2014. Plaintiff failed to file a Case Management Conference Statement and failed to appear at the hearing held by the Court on May 7, 2014.<sup>1</sup>

Additionally, the record in this case shows that Plaintiff has taken no action to prosecute this case since the case was filed in Monterey County Superior Court on August 22, 2013. Although the Court's docket shows that Plaintiff's counsel appeared at a Case Management Conference on April 8, 2014, before Judge Gonzales Rogers, the record does not reveal any other

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<sup>1</sup> Defendant also failed to file a Case Management Statement and failed to appear at the May 7, 2014 hearing. However, on May 13, 2014, Defendant's counsel filed with this Court a Declaration providing an explanation for non-appearance.


1 activity in this case. Additionally, Plaintiff has failed to respond to Defendant Wells Fargo Bank's  
2 Motion to Dismiss, filed on April 14, 2014, said response having been due on April 28, 2014.

3 THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiff's claims should  
4 not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil  
5 Procedure. *See also Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) ("District courts have  
6 the inherent power to control their dockets, and, "[i]n the exercise of that power they may impose  
7 sanctions including, where appropriate, . . . dismissal of a case.") (citing *Thompson v. Housing*  
8 *Authority*, 782 F.2d 829, 831 (9th Cir. 1986)).

9 The deadline to respond to the Order to Show Cause will be June 16, 2014. If Plaintiff fails  
10 to file a response, the case shall be dismissed for failure to prosecute. The Court will not hold a  
11 hearing on the Order unless otherwise stated.

12 **IT IS SO ORDERED.**

13 Dated: May 19, 2014

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15 BETH LABSON FREEMAN  
16 United States District Judge  
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